



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

DEC 14 2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Joe Cullen
Electronics Recycling Services
2980C Pacific Drive
Norcross, Georgia 30071

SUBJ: Request for Information Pursuant to Section 3007 of RCRA
Electronics Recycling Services

Dear Mr. Cullen:

The United States Environmental Protection Agency is investigating the nature and extent of hazardous waste practices at Electronics Recycling Services (hereafter referred to as the facility or ERS). Pursuant to Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927, you are hereby directed to respond to the Information Request enclosed herein as Enclosure C within fourteen (14) calendar days of your receipt of this letter.

Compliance with this request for information is mandatory, and information provided by you may be used by the EPA in civil or criminal proceedings. Failure to respond fully and truthfully to each and every question or information request within fourteen (14) calendar days of your receipt of this letter, or to adequately justify such failure to respond, may result in enforcement action against ERS by the EPA pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.

Please be further advised that submittal of false, fictitious or fraudulent statements or representations may subject you to criminal penalties under Section 3008(d) of RCRA, 42 U.S.C. § 6928(d).

Your response to this request for information should be mailed to:

Larry L. Lamberth, Chief
South Enforcement and Compliance Section
RCRA and OPA Enforcement and Compliance Branch
RCRA Division
U.S. EPA, Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303

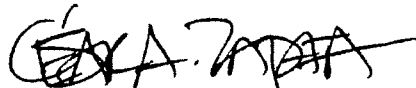
The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described in 40 C.F.R. § 2.203(b), by attaching to such information at the time it is submitted, a suitable notice employing language such as "trade secret" or "proprietary" or "company confidential." Information covered by such a claim will be

disclosed by the EPA only to the extent and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The EPA will construe the failure to furnish a confidentiality claim with your response to this letter as a waiver of that claim. You should read the above-cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim. This Information Request is not subject to the approval requirement of the Paper Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

Enclosed is an updated copy of the "Office of Enforcement and Compliance Assurance Information Sheet" for Small Business, Enclosure D. This document will provide you with information regarding compliance and rights ERS may be entitled to under the Small Business Regulatory Enforcement Fairness Act (SBREFA). You may also retrieve an additional copy at <http://www.epa.gov/sbrefa/documents/rfaguidance11-00-06.pdf>.

Should you have any questions on this matter, please contact Brooke York of my staff, at (404) 562-8025.

Sincerely,

A handwritten signature in black ink, appearing to read "César A. Zapata", with a stylized flourish at the end.

César A. Zapata, Chief
RCRA and OPA Enforcement and Compliance
Branch
RCRA Division

Enclosures

ENCLOSURE A

Instructions

1. Identify the person(s) responding to these Information Requests on behalf of Respondent.
2. A separate response must be made to each of the Information Requests set forth herein.
3. Precede each answer with the number of the Information Request to which it corresponds.
4. In answering each Information Request, identify all documents and persons consulted, examined, or referred to in the preparation of each response and provide true and accurate copies of all such documents.
5. If information not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to the EPA. Moreover, should you find at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth; you must notify the EPA thereof as soon as possible.
6. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Request to which it responds.
7. Where specific information has not been memorialized in a document, but is nonetheless responsive to a Request, you must respond to the Request with a written response.
8. If information responsive to this Information Request is not in your possession, custody or control, then identify the person from whom such information may be obtained.
9. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.

ENCLOSURE B

Definitions

The following definitions shall apply to the following words as they appear in this Enclosure.

1. The terms "AND" and "OR" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside their scope.
2. The term "CATHODE RAY TUBE" means a vacuum tube, composed primarily of glass, which is the video or visual display component of an electronic device, such as a television or computer monitor.
3. The term "DISPOSAL" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any water, including groundwater.
4. The term "DOCUMENT" and "DOCUMENTS" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by way of illustration and not by way of limitation), any e-mail, invoice, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, inter-office or intra-office communications, photostat or other copy of any documents, microfilm or other film record, photograph, sound recording on any type of device, punch card, disc or disc pack, tape or other type of memory generally associated with computers and data processing; including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure, notation, annotation, or the like of it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.
5. The term "E-WASTE" shall mean any unwanted, discarded, recycled, or disposed electronic device or component.
6. The term "FACILITY" shall mean the Electronics Recycling Services (ERS) facility in Norcross, Georgia.
7. The term "GHWMR" means Georgia Hazardous Waste Management Rules.
8. The term "HAZARDOUS WASTE" shall mean a hazardous waste as defined in 40 C.F.R. § 261.3.
9. The term "GENERATION" shall mean any act or process which produces hazardous waste as identified or listed in 40 C.F.R. Part 261 or an act which first causes a hazardous waste to become subject to regulation.

10. The term "IDENTIFY" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
11. The term "IDENTIFY" means, with respect to a corporation, partnership, business trust or other associate of business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
12. The term "IDENTIFY" means, with respect to a document, to provide its customary business description, date, number, if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.
13. The term "PERSON" includes, in the plural as well as the singular, any natural person, firm, unincorporated associate partnership, corporation, trust or other entity.
14. The term "RELEASE" shall include any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
15. The term "SOLID WASTE" means a waste as defined at § 1004(27) of RCRA, 42 U.S.C. § 6903(27).
16. The term "TRANSACTION" or "ARRANGEMENT" shall mean every separate agreement, act, deal, instance or occurrence.
17. The term "UNIVERSAL WASTE" shall mean a universal waste as defined in 40 C.F.R. § 273.9.
18. The term "YOU" or "RESPONDENT" shall mean the addressee of this Information Request, the addressee's officers, managers, employees, contractors, trustees, successors, assigns, and agents.

ENCLOSURE C

Information Request

1. State Respondent's legal business name. If Respondent is incorporated, provide the state of incorporation, and date of organization.
2. Identify all branches, subsidiaries, and parents of Respondent.
3. Please describe in detail the nature of Respondent's business, including Respondent's agents, contractors, employees and/or owners thereof.
4. Please describe any transportation services that the facility may provide. If no such services are offered please state so.
5. Please provide copies of all notifications, including proof of mailing, to the EPA and Georgia Environmental Protection Division of handling and generation activities at the facility including but not limited to those notifications made under the Resource Recovery and Conservation Act (RCRA) and Toxic Substances Control Act (TSCA).
6. Please provide documentation for all hazardous waste determinations made by the facility or on behalf of the facility in accordance with GHWMR Chapter 391-3-11-.08(1) (40 C.F.R. § 262.11). If no such determinations have been made state so.
7. Please provide all shipping and receiving records for all shipments including any amount of universal waste or e-waste handled or generated at the facility for the last three years. These records may include but are not limited to logs, invoices, bills of lading, or other shipping documents. However, these records must include the name and address of the facility originating the shipment and ultimate destination for disposal or recycling, the type of universal waste or e-waste included in the shipment, and amount, by weight or by each, of each type of waste shipped as required by GHWMR Chapter 391-3-11-.18 (40 C.F.R. § 273.39).
8. Please provide all hazardous waste manifests generated by transport of waste to or from the facility for the last five years.
9. Please identify all individuals who currently have and those who have had responsibility for Respondent's environmental matters (e.g. responsibility for the Respondent's characterization of inbound and outbound materials, including recyclables, to ERS's specifications, recycling of materials, and disposal of hazardous waste).
10. Please provide hazardous waste training records for all facility personnel who have been involved in the management of hazardous waste at the facility within the last five (5) years.

11. Please describe the protocol and/or standard operating procedure at the facility for the handling and disposing of:

- a. Spent fluorescent bulbs/lamps
- b. Waste generated from the bulb crusher including but not limited to the filter and bags
- c. Used batteries
- d. Printer and toner cartridges

If protocol or standard operating procedures vary based on the particular circumstance (i.e. size, shape, brand etc.) of the situation please describe these protocol for the circumstances that the facility has experienced in the past or is reasonably assumed to experience in the future. This description should include but is not limited to handling procedure from the time the waste is generated or arrives at the facility to the time at which it is disposed or recycled including the name and address of the disposal or recycling facility.

12. Please provide any and all MSDS, manufacturer information, and a copy of the manual for the bulb crusher and all of its components.

13. Please provide any documentation of testing or study that would indicate or theorize whether a release of any hazardous constituents may be occurring or has occurred from the bulb crusher to the environment. If no such documents exist state so.

14. Please provide all maintenance and disposal records for the bulb crusher and its components including all records of filter and bag maintenance and any disposal manifests. If no such records have been maintained state so.

15. Please provide records for handling and disposal for all ballasts handled by the facility. These records should include but are not limited to the name and address of the disposal facility, the type and amount of waste.

16. Please state whether ERS has ever exported or knowingly sent for export used cathode ray tubes (CRTs) (including those in the form of computer monitors or televisions), for any purpose, whether for recycling, reuse, repair or disposal, to any country outside the United States. If so, describe ERS's role in the export of used CRTs. In each instance indicate the country in which the export was received including the name and address of the receiving party, purpose of export, whether for recycling, reuse, repair or disposal. Were the CRTs in working condition? Further, please identify the source and the state(s) of origin of the aforementioned CRTs designated for export.

17. Please state whether ERS has ever acted as a broker, shipper or freight forwarder for the purpose of the export of used CRTs to any country outside the United States, for any purpose. Please identify the source of the aforementioned CRTs. Please identify the source and the state(s) of origin of the aforementioned CRTs designated for export. Further, in each instance indicate the purpose of export, whether for recycling, reuse, repair or disposal.

18. Please state whether ERS was ever the owner of used CRTs that were exported to any country outside the United States, for any purpose. Please identify the source of the aforementioned CRTs. Please identify the source and the state(s) of origin of the aforementioned CRTs designated for export. Further, in each instance indicate the purpose of export, whether for recycling, reuse, repair or disposal.

19. For the last five years, identify by date, intended destination, freight container number, or other identifying reference, every shipment of used CRTs that was exported by ERS. Please identify the source and the state(s) of origin of the aforementioned CRTs designated for export. Further, in each instance indicate the purpose of export, whether for recycling, reuse, repair or disposal.
20. For every shipment identified, please provide copies of shipping papers associated with each shipment. These papers may include invoices, shipping documents, bills of lading, or emails.
21. Please identify every consignee or intended consignee, of every shipment identified in answer to any of these questions.
22. For every shipment identified, please provide copies of all correspondence between ERS and any other party involved in the shipment, such as freight forwarders, owners, or brokers. Correspondence may include invoices, letters, bills of lading, or emails.
23. For every shipment listed, please identify the physical address where the CRTs are staged prior to shipment and the method of storage.
24. Have any shipments of CRTs which ERS has attempted to export been returned to the United States? If so, please identify every returned shipment and identify the originally intended destination of the returned shipment.
25. Please identify the current physical location of every returned shipment of CRTs.
26. Please identify the owner(s) of every returned shipment of CRTs.
27. Please identify the current new owner(s), if different from the original owners at the time of export, of every returned shipment of CRTs.
28. Has ERS ever notified the EPA of its intention to export to any country outside the United States used CRTs for any purpose, whether for recycling, repair, reuse or disposal? If so, please state the date and purpose of each such notification. Please provide copies of each notification and proof of mailing.

7010 1060 0002 1704 3444

Certified Mail Tracking System
 File Data Entry Reports Search Window Help
 Enter New Record (Only SiteID and SiteName can

New Certificate

Date: 12/1

Certified No.: 70101060000217043949

To: JOE CULLEN

Street: 2980C PACIFIC DRIVE

City: NORCROSS

State: GA

Zip Code: 30071

Sender: YORK, BROOKE

Ext:

(LastName, FirstName Middle Initial)

Division: RCR

Floor: 10

Building: TOWER

Unit: ROECB

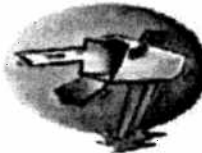
Alternate: BIAS, WENDY

Alternate Ext:

(LastName, FirstName Middle Initial)

Site Name: ELECTRONIC RECYCLING SERVICES

Site ID:



102505-02-M-1540

Domestic Return Receipt

PS Form 3811, February 2004

SENDER: COMPLETE THIS SECTION

1. Article Addressed to: Mr. Joe Cullen
 Electronics Recycling Services
 2980C Pacific Drive
 Norcross, GA 30071

2. Article Number (Transfer from service label)
 7010 1060 0002 1704 3949

3. Service Type
☒ Certified Mail
☐ Registered Mail
☐ Insured Mail
☐ C.O.D.
☐ Return Receipt for Merchandise

4. Restricted Delivery? (Extra Fee)
☐ Yes
☐ No

5. Signature
 X [Signature]
 B. Received by (Printed Name)
 C. Date of Delivery
 D. Is delivery address different from item 1? ☐ Yes ☐ No
 If YES, enter delivery address below:

COMPLETE THIS SECTION ON DELIVERY

OFFICIAL USE

U.S. Postal Service
 CERTIFIED MAIL RECEIPT
 (Domestic Mail Only. No Insurance Coverage Provided)

Postage

Certified Fee

Return Receipt Fee (Endorsement Required)

Restricted Delivery Fee (Endorsement Required)

Total Postage & Fees

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City, State, ZIP+4

